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RECENT CASES

ARSON—EVIDENCE—MOTIVE.—*STATE V. BARRETT*, 65 S. E. 894 (N. C.).—In a trial for the burning of a barn it was *held*, that the state could, to establish the motive of the accused, show that bad feelings existed between accused and the owner of the barn and the reason for it, and the owner may testify that he has opposed the accused's application to a membership in a society.

In general, where arson has been committed and circumstances point to the accused as the perpetrator, any facts tending to show a motive for the crime are admissible in evidence. *People v. Murphy*, 135 N. Y. 450. Unfriendly feelings between the accused and the owner of a building may be shown; *Shepherd v. People*, 19 N. Y. 537; but it is improper to inquire into the cause of the quarrel as it would tend to arouse a prejudice against the defendant. *State v. Hannett*, 54 Vt. 83. It has also been held improper to inquire into the unfriendliness of defendant's family with the prosecutor's wife to show motive. *Bell v. State*, 74 Ala. 420. However, the existence of friendly relations without reference to the time at which such feelings were entertained, cannot be shown to establish a want of motive. *Commonwealth v. Cornelly*, 7 Pa. Super. Ct. 77. And conversations may be admitted to show defendant's threats as to the future; *People v. Lattimore*, 86 Cal. 403; and notwithstanding the lapse of a long time between the acts of manifesting hostile relations and the commission of the offense, such difficulties may be shown to connect the person with the offense. *Hudson v. State*, 61 Ala. 333.

CONSTITUTIONAL LAW—PERSONAL LIBERTY—MEASUREMENT UNDER BERTILLON SYSTEM.—*DOWNS V. SWANN*, 73 ATL. 653 (Md.).—*Held*, that to photograph and measure under the Bertillon system a person arrested on a felony charge, but before conviction, does not violate the personal liberty secured him by the Constitution of the United States.

A sheriff may lawfully take photograph and measurements of an accused person if in his discretion it is necessary to prevent his escape. *State v. Chamberlain*, 154 Ind. 599. And a supposed criminal whose photograph has been taken by the police, cannot have an exhibition thereof enjoined on the ground that his right of privacy has been invaded. *Owen v. Partridge*, 82 N. Y. Supp. 248. Some of the courts hold that if a person is under arrest or within the court's jurisdiction, generally there arises no necessity for taking photograph of accused before his trial and conviction. *Schulman v. Whitaker*, 117 La. 703. And in conflict with the case at hand it has been held that the police department has no authority to take measurements. *Gow v. Bingham*, 107 N. Y. Supp. 1011.

CONSTITUTIONAL LAW—PERSONAL AND CIVIL RIGHTS—PROHIBITING RIGHT TO ENGAGE IN LAWFUL OCCUPATION—COLLECTION OF GARBAGE.—*SMITH ET AL V. CITY OF SPOKANE*, 104 PAC. 249 (WASH.).—*Held*, that an